

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

WILLIAM PICINICH,

Plaintiff,

-against-

3:08-CV-0578 (LEK/VEB)

MICHAEL J. ASTRUE  
Commissioner of Social Security,

Defendant.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on February 8, 2010, by the Honorable Victor E. Bianchini, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 24).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. On February 12, 2010, Plaintiff, acting through his attorney, filed a Letter Motion (Dkt. No. 25) with the Court requesting an extension of time to file until April 1, 2010. The Court granted Plaintiff an extension of time to file his brief until March 5, 2010. See Dkt. No. 27. No objections have been raised in the allotted time with respect to Judge Bianchini's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to

attack for plain error or manifest injustice.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 24) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

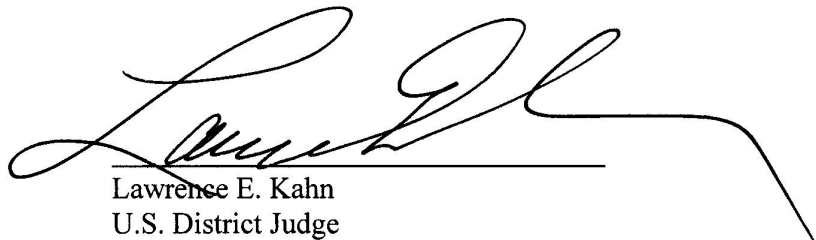
**ORDERED**, that the Commissioner's decision to deny Plaintiff's application for benefits is **UPHELD**; and it is further

**ORDERED**, that Plaintiff's case is **DISMISSED** in its entirety; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: March 09, 2010  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge